

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JULY 9, 2012 MEETING

STAFF REPORT

TO: BOARD OF MANAGERS
FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER 
DATE: 7/5/2012
SUBJECT: RESOLUTION NO. 07-01-12: RESOLUTION OF THE CHEVY CHASE
VILLAGE BOARD OF MANAGERS TO APPOINT A RESIDENT
AGENT

Maryland Law requires that the governing body of every political subdivision certify with the State Department of Assessments and Taxation a resident agent who is **authorized to accept service of process on behalf of the municipality**. A municipal corporation's resident agent is the person whom a law firm or other individual will serve with a summons, notice of a lawsuit or debt owed, etc. filed against the jurisdiction. When this law went into effect in 2001, the Village designated then Legal Counsel David Podolsky to serve as the Village's resident agent. Having now retired effective June 1, 2012, the Village Board must now designate a new resident agent.

Per Maryland Law, a resident agent must reside within the State of Maryland and be at least 18 years of age. Otherwise, the municipality is free to choose who they feel would be the best individual to serve in this capacity for a stable period of time. The attached Resolution has been drafted without indicating a proposed resident agent, which the Board will need to decide on Monday evening.

Enclosures

Resolution No. 07-01-12

Maryland Article 24, Section 1-110

Resolution No. 9-3-01 (current resident agent designating resolution)

BOARD OF MANAGERS

For

Chevy Chase Village, MD

Subject: A RESOLUTION OF THE CHEVY CHASE VILLAGE BOARD OF MANAGERS TO APPOINT A RESIDENT AGENT

WHEREAS, Chapter 506, 2001 Laws of Maryland requires that the governing body of every political subdivision file a certification of a resident agent to accept service of process with the State Department of Assessments and Taxation; and

WHEREAS, the Chevy Chase Village Charter does not designate a resident agent.

NOW THEREFORE, BE IT RESOLVED BY THE CHEVY CHASE VILLAGE BOARD OF MANAGERS AS FOLLOWS:

1. That [TITLE], [NAME], who's office address is: [ADDRESS], and whose home address is: [ADDRESS], and who is a citizen of the State of Maryland who resides therein, be designated as Resident Agent pursuant to the above referenced Maryland Law; and
2. That the name of the Resident Agent be filed with the State Department of Assessments and Taxation as the laws of the State of Maryland require.

I HEREBY CERTIFY that this is a true and correct copy of a Resolution passed by the Chevy Chase Village Board of Managers at its Meeting of July 9, 2012. This Resolution supersedes previously adopted Resolution No. 09-03-01.

CHEVY CHASE VILLAGE

By: _____
Richard Ruda, Secretary
Board of Managers

This Form Is Used by Government Entities

**FORM TO DESIGNATE OR CHANGE A RESIDENT AGENT
FOR SERVICE OF PROCESS BY A GOVERNMENT ENTITY**

The Local Entity or State Agency (1) _____
(Government Entity)

designates (2) _____
(Name of Resident Agent)

who is a citizen and resident of the State of Maryland, or a Maryland corporation, as its resident
agent for service of process, and the address for the resident agent is:
(3) _____

Attached is: [Check One Box] (4)

- ☐ 1. A copy of the portion of the charter of the local entity which authorizes the person to accept service of process for the local entity; or
- ☐ 2. A certified copy of a resolution of the local entity's governing body that authorizes the designation where the charter does not designate a person for service; or
- ☐ 3. A certified copy of a resolution by the governing body of a State agency not represented by Maryland Attorney General that authorizes the designation.

I, (5) _____, *certify under the*
(Name and Title of an Officer of the Government Entity)
penalties of perjury that the contents of this paper are true to the best of my knowledge, information and belief.

Date

Signature of Officer of the Government Entity

I, _____, consent to my designation in this document as
(Name of Resident Agent)
resident agent for this entity.

(6) _____
(Signature of Resident Agent)

Mail to: State Department of Assessments and Taxation
301 West Preston Street, Room 808
Baltimore, Maryland 21201

Md. Ann. Code art. 24, § 1-110

Annotated Code of Maryland

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All rights reserved.*** Current through JR 2 and Chs. 2, 6 through 9, 13, 18, 58, 66, 67, 130 and 145 of the 2012
General Assembly ***ARTICLE 24. POLITICAL SUBDIVISIONS -- MISCELLANEOUS PROVISIONS
TITLE 1. DEFINITIONS; GENERAL PROVISIONS.

Md. Ann. Code art. 24, § 1-110 (2012)

§ 1-110. Resident agents

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Department" means the Department of Assessments and Taxation.

(3) "Governing body" means the board of commissioners, county or municipal council, board of directors, or other governing body of a local entity.

(4) "Local entity" means a county, municipal corporation, bicounty or multicounty agency, public authority, special taxing district, or other political subdivision or unit of a political subdivision of this State.

(b) Designation; changes by local entity. --

(1) A local entity shall designate a citizen of this State who resides in the State, a Maryland corporation, or an officer of the local entity as its resident agent by filing for record with the Department:

(i) A certification of the person whom the charter of the local entity authorizes to accept service of process for the local entity; or

(ii) If the charter does not designate a person for service, a certified copy of a resolution of the local entity's governing body that authorizes the designation.

(2) If a local entity changes its resident agent, the local entity shall file for record with the Department:

(i) A certification of the person whom the charter of the local entity authorizes to accept service of process for the local entity; or

(ii) If the charter does not designate a person for service, a certified copy of a resolution of the local entity's governing body that authorizes the designation.

(3) A local entity may change the address for its resident agent by filing for record with the Department a statement of the change signed by the chairman or other principal officer of its governing body.

(c) Address change; resignation. --

(1) A resident agent whose address changes may notify the Department by filing for record with the Department a statement of the change signed by or for the resident agent.

(2) A resident agent may resign by filing with the Department a statement of resignation.

(d) Fees. -- There is no fee for a filing under this section.

(e) Effective as corporate resident agent. -- A designation, change of agent, change of address, or resignation is effective as provided in the Corporations and Associations Article for a corporate resident agent.

(f) Service. --

(1) Service of process on a resident agent of a local entity constitutes effective service of process under the Maryland Rules on the local entity in an action, suit, or proceeding that is pending, filed, or instituted against the local entity.

(2) Any notice required by law to be served by personal service on a resident agent or other agent or officer of a local entity may be served in the manner provided by the Maryland Rules relating to service of process on local entities.

(3) Service under the Maryland Rules is equivalent to personal service on a resident agent or other agent or officer of a local entity.

HISTORY: 2000, ch. 608; 2001, ch. 506.

In

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Resolution No. 9-3-01

Introduced: 9-10-01

Adopted: 9-10-01

BOARD OF MANAGERS

For

Chevy Chase Village, MD

Subject: RESOLUTION OF THE CHEVY CHASE VILLAGE BOARD OF MANAGERS TO
APPOINT A RESIDENT AGENT

WHEREAS, Chapter 506, 2001 Laws of Maryland requires that the governing body of every political subdivision file a certification of a resident agent to accept service of process with the State Department of Assessments and Taxation; and

WHEREAS, the above law takes effect on October 1, 2001; and

WHEREAS, the Chevy Chase Village Charter does not designate a resident agent.

NOW, THEREFORE, BE IT RESOLVED BY THE CHEVY CHASE VILLAGE BOARD OF MANAGERS AS FOLLOWS:

1. That Village Counsel, David R. Podolsky, Esquire, whose office address is: 255 North Washington Street, Suite 500, Rockville, Maryland 20850, and whose home address is: [REDACTED]

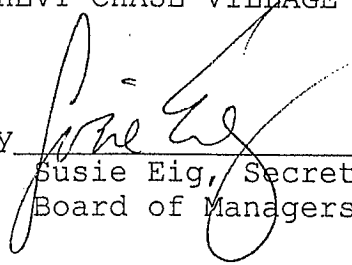
[REDACTED] and who is a citizen of the State of Maryland who resides therein, be designated as Resident Agent pursuant to the above referenced Maryland law; and

2. That the name of the Resident Agent be filed with the State Department of Assessments and Taxation as the laws of the State of Maryland require.

I HEREBY CERTIFY that this is a true and correct copy of a Resolution passed by the Chevy Chase Village Board of Managers at its meeting of September 10, 2001.

CHEVY CHASE VILLAGE

By



Susie Eig, Secretary
Board of Managers

This Form Is Used by Government Entities

FORM TO DESIGNATE OR CHANGE A RESIDENT AGENT
FOR SERVICE OF PROCESS BY A GOVERNMENT ENTITY

The Local Entity or State Agency (1) Chevy Chase Village
(Government Entity)

designates (2) David R. Podolsky, Esquire
(Name of Resident Agent)

who is a citizen and resident of the State of Maryland, or a Maryland corporation, as its resident

agent for service of process, and the address for the resident agent is:

(3) 255 N. Washington Street, #500
Rockville, Maryland 20850

Attached is: [Check One Box] (4)

- ☐ 1. A copy of the portion of the charter of the local entity which authorizes the person to accept service of process for the local entity; or
- ☒ 2. A certified copy of a resolution of the local entity's governing body that authorizes the designation where the charter does not designate a person for service; or
- ☐ 3. A certified copy of a resolution by the governing body of a State agency not represented by Maryland Attorney General that authorizes the designation.

I, (5) Susie Eig, Secretary, Board of Managers, certify under the
(Name and Title of an Officer of the Government Entity)

penalties of perjury that the contents of this paper are true to the best of my knowledge, information and belief.

14 September 2001
Date

[Signature]
Signature of Officer of the Government Entity

I, David R. Podolsky, consent to my designation in this document as
(Name of Resident Agent)
resident agent for this entity.

(6) [Signature]
(Signature of Resident Agent)

Mail to: State Department of Assessments and Taxation
301 West Preston Street, Room 808
Baltimore, Maryland 21201

